

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA	:	
	:	
v.	:	
	:	14 Cr. 370 (PKC)
DARYL RYAN,	:	
	:	
Defendant.	:	

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DEFENDANT'S SENTENCING MEMORANDUM

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New York, NY
October 26, 2015

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By ECF and by hand

October 25, 2015

Honorable P. Kevin Castel
United States District Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007-131

**Re: United States v. Daryl Ryan
14 Cr. 370(PKC)**

Your Honor,

We respectfully submit Daryl Ryan's sentencing memorandum urging, as does the Probation Department at page 16 of its report (**PSR**) that Your Honor impose a sentence of time served – Mr. Ryan was arrested March 4, 2014: 20¹ months ago– to be followed by a period of supervised release with the conditions recommended by the probation department here as is customary in cases of this nature.

On March 20, 2015, we wrote to the government our proposal that Mr. Ryan be permitted to enter a plea of guilty to Count II of the indictment (possession rather than distribution of child pornography in full satisfaction of the charges. That 6+ page document (attached here as **Exhibit A**) sets forth a catalog of 11 (eleven) similar cases prosecuted in this district, in which the government had consented to the entry of possession rather than distribution guilty pleas as in Mr. Ryan's case. Of the 11, only the first listed defendant (US v. Roberto Solis Galica, 14Cr. 475(RA) had not yet been sentenced. His sentencing guidelines had been 57 to 71 months, he had been in custody 15 months's and was sentenced to time served.

In the other 10 cases reviewed by us in **Exhibit A**, the sentences imposed were all considerably below the guidelines ranges, most to time served.

Another reason we submit **Exhibit A** is because it describes Mr. Ryan in considerable detail, and includes the 8+ page psychiatric report prepared by Eric Goldsmith, M.D., LLC. This

¹ The probation department (p.16) asserts 18 months but was prepared about 2 months ago.

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report of course speaks for itself but we emphasize that it says of Mr. Ryan that he “demonstrates a normal heterosexual arousal pattern. He does not meet diagnostic criteria for pedophilia. His motivation to acquire child pornographic images stemmed from a nonpathological sexual arousal to pornographic images of **post-pubescent** adolescent females.” (Emphasis added), at page 1 of Dr. Goldsmith’s report and he notes further and page 2 “it is my opinion, to a reasonable degree of psychiatric certainty that Daryl Ryan is at the **lowest risk** to commit a future conduct crime with a child.” (Emphasis in original).

Our March 20, 2015, letter to the Government (**Ex. A**) together with its attachments are enclosed here and incorporated by reference for the sake of economy because its attachments and the letters itself speak much and well of Mr. Ryan a 36-year-old first offender. We particularly commend to Your Honor’s attention the extremely supportive, intelligent, dignified five-page letter from his mother who can of course be expected to lavish her attention and particularly her wisdom on Mr. Ryan.

While Dr. Goldsmith was hired by our office, the probation department caused Mr. Ryan to be further examined and evaluated by Joslyn Cruz, PhD. Dr. Cruz examined and tested Mr. Ryan for approximately 7 hours at MCC and she rendered the attached (**Ex. B**) 29-page report. It tracks Mr. Ryan’s entire life, reports that members of his family putting his former wife Lydia Patel were interviewed. Mr. Ryan’s mother reported that he had suffered at least one very traumatic experience when 15 years old. He and his one-year-old sister would badly burned in a gas explosion in their parents kitchen. Mr. Ryan was hospitalized for several weeks, as was his young sister is each had suffered severe burns. Following his discharge from the hospital, he had a long recovery and was unable to participate in the outdoor activities at school for years while his skin healed. Mr. Ryan had nightmares for years, dreaming that his face would remain burnt the way it had been after the accident. Exhibit B, Dr. Cruz report at page 8. Dr. Cruz interviewed Lydia Patel, Mr. Ryan’s former wife a great length (P.14-5) and Ms. Patel spoke only positively of her former husband, noting that they had parted largely because they had come from different cultures, he wanted children and she did not. She also preferred a nontraditional marriage as she was employed in “show business “. Ms. Patel reported to Dr. Cruz that they were still good friends.

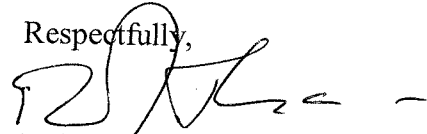
Dr. Cruz’ findings and conclusions start at page 22 of her report and agree with Dr. Goldsmith’s opinion that Mr. Ryan’s “risk of sexual re-offense appears minimal if provided with appropriate specialized treatment and supervision controls such as Internet monitoring to help manage and monitor his psychological and sexual risk factors” page 26 of Cruz report. Dr. Cruz recommends certain therapies which the Probation Department would be well prepared to monitor.

In conclusion, we respectfully suggest that the sentence of time served recommended by the probation department is fair and appropriate, all the more so given the type of sentences –

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reviewed above – imposed in this kind of case in this district in the past few years and the fact that Mr. Ryan is a first offender unlikely to be a recidivist and who has already served some 20 months at MCC, Mr. Ryan's family has maintained Mr. Ryan's New York City apartment now occupied by his sister. It is planned that he would live there upon his release.

Respectfully,



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